



United States Department of the Interior

BUREAU OF RECLAMATION
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
Sacramento, California 95821

IN REPLY
REFER TO:

CVO-100
WTR 4.10

APR 09 2014

Mr. Thomas Howard
Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Mr. Howard,

Subject: Vernalis Change Petition

The Bureau of Reclamation (Reclamation) is requesting a modification of Table 3 of Water Rights Decision 1641 (D-1641), River Flows for the San Joaquin at Vernalis for the months of March through June 2014. This request is made in connection with Reclamation and California Department of Water Resources' January 29, 2014 petition, with modifications dated March 18, 2014 (Petition) for modifications to D-1641 in response to severe drought conditions. This request includes both the "base" flows from March 1 to April 14 and May 16 through June 30, and the spring "pulse" flows April 15 to May 15. This request is also consistent with the Central Valley Project (CVP) and State Water Project (SWP) Drought Operations Plan and Operational Forecast (attached) which provides a complete description of the current and projected hydrologic conditions and actions proposed to balance multiple needs in a third dry year.

Many San Joaquin River indicators are now running near 1977 levels. DWR's April 1, 2014, runoff forecast indicates that the San Joaquin Valley Index will most likely be classified as "critical" this year. The indices for the 99% through 10% exceedence forecasts all fall under the critical classification. Unimpaired inflow forecasts for the major tributaries to the San Joaquin River are only about a third of the historical average or less at the 50% exceedence level. Reservoir storage at New Melones Reservoir, Don Pedro Reservoir, and Lake McClure, are only at about 68%, 74%, and 42% of average for this date.

Granting relief for the base flow requirements for March through June will improve storage conditions at New Melones Reservoir which will improve water temperatures on the Stanislaus River and will assist in making water available for salinity control at Vernalis, Vernalis flows later in the year and in subsequent years, and the April to May pulse flow, discussed below.

Specifically, Reclamation requests that D-1641, River Flows for the San Joaquin at Vernalis be modified as follows:

- The monthly average for March base flows – 710 cubic feet per second (cfs)
- From April 1 to the start of the pulse flow period – maintain at or above 700 cfs for base flow (3-day running average)

- For the 31-day pulse flow period, create a 16-day pulse averaging 3,300 cfs with flows averaging 1,500 cfs for the remainder of the 31 days. The start date and flow schedule for the overall pulse flow volume may be modified with the concurrence of U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and the California Department of Fish and Wildlife
- From the end of the pulse flow period through May 31 – maintain an average flow of 500 cfs
- For June, no minimum base flow requirement would be required. Given the extremely dry conditions throughout the basin, the outward fishery migration will likely end earlier this year due to anticipated low flows and elevated water temperatures in the southern Delta and lower San Joaquin River. Releases from New Melones Reservoir to the Stanislaus River will be made to achieve the D-1641 electrical conductivity objective at Vernalis and dissolved oxygen objective at Ripon, and to meet the NMFS's Reasonable and Prudent Alternative Table 2E flows

With respect to the April to May pulse flow requirement, Reclamation respectively maintains its position that the Board cannot reasonably or sustainably rely solely on project water supplies in New Melones Reservoir, on the Stanislaus River, to meet the Vernalis pulse flow requirements on the lower San Joaquin River.

Availability of Water

In the past, in order to assist with initial implementation of the Vernalis pulse flows, Reclamation participated in, and funded in large part, the San Joaquin River Agreement (SJRA) from approximately 2000 through 2009, including two extensions through 2011. Under the SJRA, Reclamation funded annually the availability of water from the senior water right holders on the Stanislaus River, the reservoir operators on the Tuolumne and Merced Rivers and the San Joaquin River Exchange Contractors Water Authority to contribute to the pulse flows.

In 2011, Reclamation attempted to negotiate a similar arrangement with the SJRA parties, but such efforts were not successful. Instead, Reclamation purchased water from Merced Irrigation District on the Merced River in 2012 and 2013 to ensure continued compliance with SJRA flows.

Reclamation has attempted to purchase water in 2014, but has found no such water available. Unfortunately, in sequential dry and critical years, no water is available for purchase.

Reclamation believes it should have a reasonable responsibility to contribute to the Vernalis pulse flow requirement. The modifications herein requested represent a reasonable contribution from New Melones Reservoir and the Stanislaus River to the Vernalis base and pulse flows under the current circumstances. In addition, the pulse flows are designed to most closely coincide with fish migration, and are the result of consultation with state and federal fish agencies.

Senior water rights holders on the Stanislaus River have been advised of the reduced availability of water this year consistent with their stipulated agreement with Reclamation. Allocations to water service contractors served from New Melones Reservoir are currently at 55% of their contract supply and Reclamation will continue to evaluate that allocation as the water progresses.

Reclamation is encouraged with the long-term settlement discussions underway for new basin plan objectives (minimum flow standards) and implementation mechanisms on the San Joaquin River; however, Reclamation remains concerned that there is no timeframe for completing these discussions.

Effects on Other Uses

Other legal users of water should not be injured by this action. Delta water quality objectives, protective of municipal/industrial and agricultural uses, remain in place and the continued operations of SWP/CVP diversions are expected to generally improve salinity conditions in the southern Delta. However, as occurs at times in the South Delta when other water quality objectives are met, there may be an exception in achieving the agricultural objective for Old River at Tracy Road.

This request has been considered and is supported by the Real Time Drought Operations Management Team established to recommend additional changes to the order approving the Petition necessary to address risks presented by the ongoing and severe drought.

This action also should not have an unreasonable impact to fish and wildlife. Reclamation has concurrence from NMFS and USFWS that these actions are consistent with the Federal Endangered Species Act (see attached).

If you have any questions or would like to discuss further, please contact Mr. Paul Fujitani at 916-979-2197.

Sincerely,



for Ronald Milligan
Manager, Operations

Enclosure -3

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